

Crime Bill for D.C. Passes Senate Test

Would Allow 3-Hour Quiz Of Suspects

By Elsie Carper

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The Senate District Committee approved its own version of an omnibus crime bill yesterday, writing into legislation procedures to be used by police in questioning suspects.

The bill is less sweeping than the one passed by the House but it gives police authority to interrogate suspects for up to three hours before taking them before a magistrate for a formal charge.

The Justice Department had recommended the three-hour questioning period but it opposed freezing it into a law. Government attorneys said the Police Department could try it out and gain some experience while avoiding a premature test of whether it is constitutional.

Members of the Senate District Committee, though, have been under heavy public pressure to enact legislation to deal with the rising crime rate.

Robberies Increase

Police Chief John B. Layton told the Committee yesterday that there was a 50 per cent increase in the number of robbery cases last month over

July a year ago despite police saturation of high crime areas. The upswing was large during the first part of the month but declined the last 12 days after additional police were put on the streets.

Committee Chairman Alan Bible (D-Nev.) told reporters after the closed door meeting that he thinks the bill will meet Constitutional tests and that Congress has a responsibility to act.

But, Sen. Wayne Morse (D-Ore.) said, the bill raises serious Constitutional questions and cast the only vote against it in Committee. He said, however, he will not block the bill on the Senate floor as he did last year.

Sens. Winston Prouty (R-Vt.) and Peter H. Dominick (R-Colo.) joined Bible in voting for the bill. Sens. Robert F. Kennedy (D-N.Y.), Joseph D. Tydings (D-Md.) and Thomas J. McIntyre (D-N.H.) were absent when the vote was taken.

The bill now incorporates in modified form the administrative procedures that the Justice Department and U.S. Attorney David C. Acheson already have recommended to the Police Department.

Warning Provided

The procedure provides that, prior to any questioning, the person arrested must be warned by police that he is not required to make a statement but that any statement he makes may be used against him.

He also must be advised that upon request he will be given reasonable opportunity to

See CRIME, A3, Col. 2

CRIME—From Page A1

District Crime Bill Sent to Senate; Measure Weaker Than House Version

notify a relative or friend and consult an attorney.

Whenever reasonably possible, the questioning and the warning are to be recorded or witnessed by a person who is not a law enforcement officer.

The three hours of questioning need not be consecutive but may be broken up into intervals. The suspect is to be taken before a magistrate and formally charged at the first available time.

The House omnibus crime bill puts no time limit on

questioning. It states that a confession if otherwise admissible in court shall not be barred as evidence solely because of delay between arrest and arraignment.

The whole issue of questioning suspects stems from the Supreme Court's Mallory Rule and other court decisions on the admissibility of confessions as evidence in a trial. In the Mallory Case the Court ruled that under Federal Rules of Criminal Procedure, a confession may not be used if it was obtained by police

during an unnecessary delay between arrest and arraignment.

District police have said that this hampers them in investigating and closing cases. The Justice Department has said, however, that there is no evidence that the court rulings are responsible for the increase in crime.

The provision dealing with questioning is only one part of the Senate-approved bill. The rest of the bill is identical to legislation approved by the Committee last year but never taken up by the Senate. It is a rewrite and modification of the House-approved omnibus crime bill.

It makes no changes in the Durham Rule on insanity but does require an accused to notify the court in advance if insanity is to be the defense.

Another provision permits police to take a material witness before a magistrate who may require the posting of bond to assure the witness will not disappear.

Robbery is made a crime of violence and the bill sets or increases minimum sentences for assault, robbery, burglary of an apartment or house, or for committing a crime with a gun.

The bill also strengthens statutes dealing with indecent publications by making it a crime to produce such material with the knowledge that it will be sold or distributed and by giving the U.S. District Attorney power to seek a civil injunction to prevent their production and distribution.

The Committee added a section to the bill stipulating that if any part of it is declared unconstitutional the remainder will not be affected.



By Charles Del Vecchio, Staff Photographer

Two points of view on the duration of police questioning were expressed by Sens. Wayne Morse (D-Ore.) and Alan Bible (D-Nev.) at yesterday's District Committee Meeting.